

1 Scott E. Gizer, Esq., Nevada Bar No. 12216
2 *sgizer@earlysullivan.com*
3 Sophia S. Lau, Esq., Nevada Bar No. 13365
4 *slau@earlysullivan.com*
5 EARLY SULLIVAN WRIGHT
6 GIZER & McRAE LLP
7 8716 Spanish Ridge Avenue, Suite 105
8 Las Vegas, Nevada 89148
9 Telephone: (702) 331-7593
10 Facsimile: (702) 331-1652

11 Kevin S. Sinclair, State Bar Number 12277
12 *ksinclair@sinclairbraun.com*
13 SINCLAIR BRAUN LLP
14 16501 Ventura Blvd, Suite 400
15 Encino, California 91436
16 Telephone: (213) 429-6100
17 Facsimile: (213) 429-6101

18 Attorneys for Defendants
19 FIDELITY NATIONAL TITLE GROUP, INC. and FIDELITY
20 NATIONAL TITLE INSURANCE COMPANY

21 DESIGNATED LOCAL COUNSEL FOR SERVICE OF
22 PROCESS ON SINCLAIR BRAUN LLP PER L.R. IA 11-1(b)

23 Gary L. Compton, State Bar No. 1652
24 2950 E. Flamingo Road, Suite L
25 Las Vegas, Nevada 89121

26 **UNITED STATES DISTRICT COURT**

27 **DISTRICT OF NEVADA**

28 DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE GROUP,
INC., ET AL.,

Defendants.

Case No.: 2:20-CV-01886-GMN-BNW

**STIPULATION TO STAY CASE
PENDING WELLS FARGO II APPEAL**

Plaintiff Deutsche Bank National Trust Company and Defendants Fidelity National Title Group, Inc. and Fidelity National Title Insurance Company (collectively, the “Parties”), by and through their undersigned counsel, stipulate and agree as follows, subject to the approval of the District Court:

1 **WHEREAS**, this is one of several a title insurance coverage disputes pending in this
 2 district following an HOA foreclosure sale. The majority of cases concern the ALTA 1992 loan
 3 policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 Endorsement
 4 and either the CLTA 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5 Endorsement;

5 **WHEREAS**, one such matter is on appeal in *Wells Fargo Bank, N.A. v. Fidelity National*
 6 *Title Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-
 7 WGC) (the “*Wells Fargo II Appeal*”). The parties to that case—whose counsel are also counsel in
 8 this action—have been advised that the Ninth Circuit is considering the *Wells Fargo II Appeal* for
 9 oral argument sometime in the Summer of 2021;

10 **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in the
 11 *Wells Fargo II Appeal* will likely touch upon issues regarding the interpretation of the title
 12 insurance policy that could potentially affect the disposition of this action, particularly given some
 13 of the similarities between the policy at issue in *Wells Fargo II Appeal* and the policy here;

14 **WHEREAS**, because the *Wells Fargo II Appeal* has the potential to resolve certain
 15 matters at issue in this case, the Parties stipulate and agree that a stay of discovery in this
 16 particular case pending the outcome *Wells Fargo II Appeal* is appropriate;

17 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 18 stipulate and agree as follows:

- 19 1. Discovery between the Parties in the instant action shall immediately be **STAYED**
 20 pending the disposition of the *Wells Fargo II Appeal*. The Parties shall not file any
 21 motions to enforce Party discovery while this stay is pending.
- 22 2. The Parties shall not file any additional dispositive motions while this stay is pending.
- 23 3. Each of the Parties shall be excused from responding to any now-outstanding
 24 discovery requests propounded by the other until after the stay is lifted.
- 25 4. The scheduling order previously entered in this action shall be hereby **VACATED**.
- 26 5. Each of the Parties may request a further Fed. R. Civ. P. 26(f) conference at any time
 27 180 days after the order granting this stipulation.
- 28 6. By entering into this stipulation, none of the Parties is waiving its right to subsequently

1 move the Court for an order lifting the stay in this action.

2 7. Nothing contained in this stipulation will prevent the Parties from propounding and
3 enforcing subpoenas to third parties.

4 Dated: March 27, 2021

WRIGHT, FINLAY & ZAK

6 By: /s/-Darren T. Brenner

DARREN T. BRENNER

Attorneys for Plaintiff

DEUTSCHE BANK NATIONAL TRUST
COMPANY

9 Dated: March 27, 2021

SINCLAIR BRAUN LLP

11 By: /s/-Kevin S. Sinclair

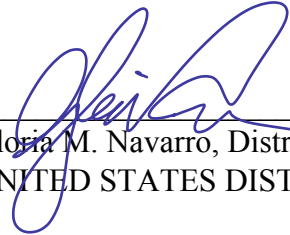
KEVIN S. SINCLAIR

Attorneys for Defendants

FIDELITY NATIONAL TITLE GROUP,
INC. and FIDELITY NATIONAL TITLE
INSURANCE COMPANY

16 **IT IS SO ORDERED.**

17 Dated this 29 day of March, 2021.

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21 Gloria M. Navarro, District Judge
22 UNITED STATES DISTRICT COURT
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